

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Brandon Starkweather,

v.

Captain Marvin Nix; Southern Health
Partners, Medical Staff; and Jennifer
Hairsine, Southern Health Partners
Owner, in their individual capacities,

Defendants.

Civil Action No.1:19-CV-00261

Order

Plaintiff Brandon Starkweather brought this action, *pro se*, pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights while he was a pretrial detainee at Pickens County Detention Center. ECF No. 1. Defendants Southern Health Partners and Jennifer Hairsine filed a Motion to Dismiss on March 25, 2019. ECF No. 33. After Plaintiff did not respond to the Motion to Dismiss, United States Magistrate Judge Shiva V. Hodges, to whom this case was previously assigned, filed a Report and Recommendation recommending that the action be dismissed unless the Plaintiff responded. The Plaintiff then responded advising that he wished for the action to continue. The Magistrate Judge then filed a second Report and Recommendation recommending that Defendants Southern Health Partner's and Jennifer Hairsine's motion to dismiss be granted but Plaintiff be allowed extended time to file an amended complaint. Defendant Marvin Nix then filed a Motion for Summary Judgment and a Motion to Seal. ECF No. 93, 94. Plaintiff has not filed an

amended complaint, responded to the Motion for Summary Judgement, or filed anything in this case since July 8, 2019.

This matter now comes before the Court for review of the Report and Recommendation (Report), filed on October 7, 2019. ECF No. 101. In the Report, the Magistrate Judge recommends that this case be dismissed with prejudice for failure to prosecute pursuant to *Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978) and Fed. R. Civ. P. 41(b). *Id.* The deadline to object to the Report was October 21, 2019. Plaintiff failed to file objections to the Report or otherwise respond.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Report and relevant filings. The Court notes that Plaintiff has not filed anything in this case since July 8, 2019. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Report, ECF No. 101, is **ACCEPTED**, and this action is **DISMISSED** for failure to prosecute.¹

IT IS SO ORDERED.

¹ In light of the acceptance of the Report, it is not necessary to address Defendants Southern Health Partners' and Jennifer Hairsine's Motion to Dismiss, ECF No. 33, Defendant Marvin Nix's Motion for Summary Judgment, ECF No. 93, or Defendant Marvin Nix's Motion to Seal, ECF No. 94. Those motions are moot.

s/Terry L. Wooten
Senior United States District Judge

February 24, 2020
Columbia, South Carolina